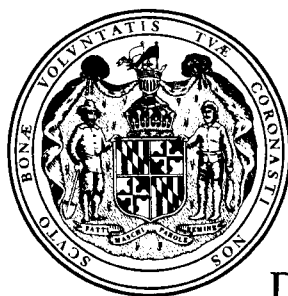
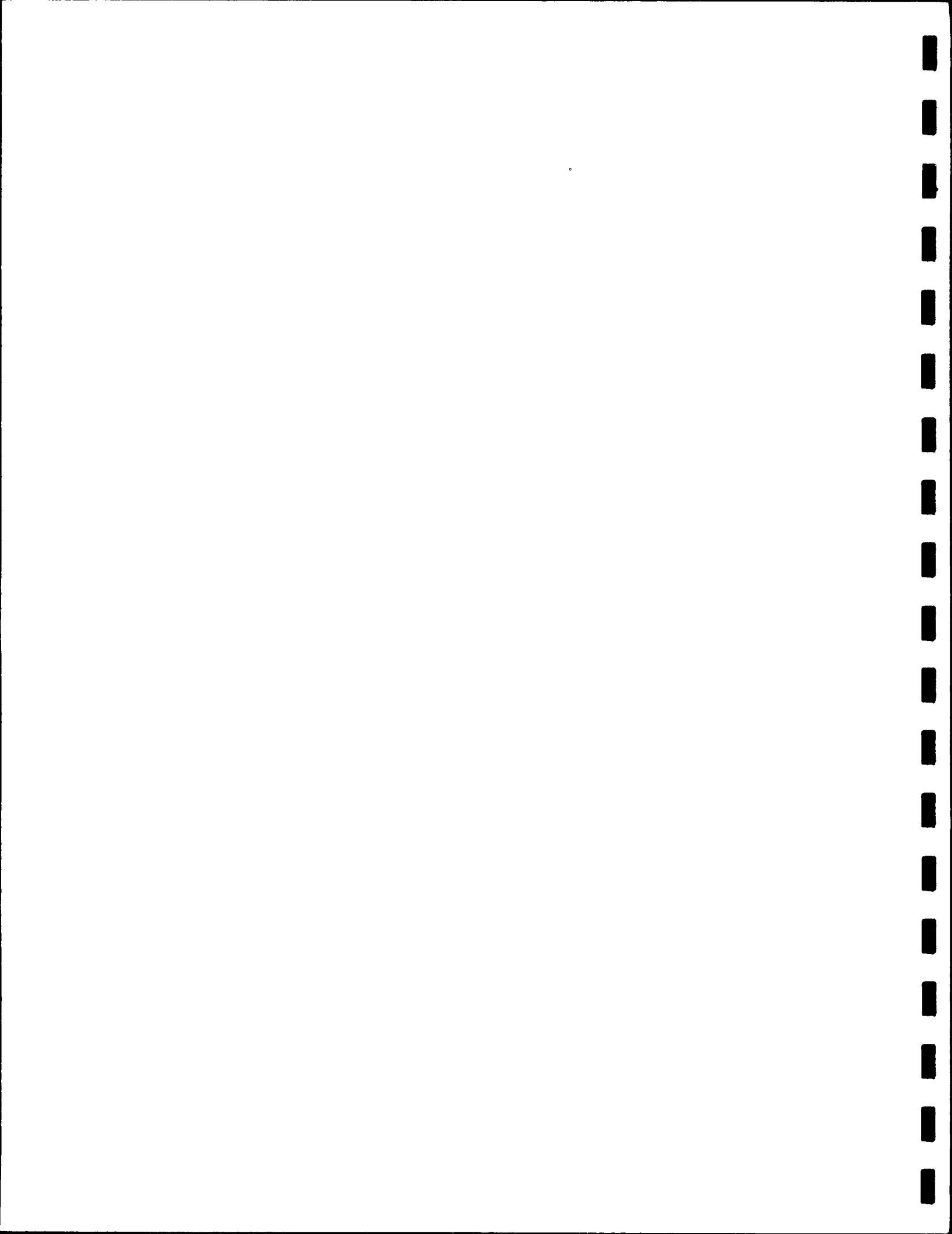


A Report of the
Governor's Commission
on
YOUNG OFFENDERS



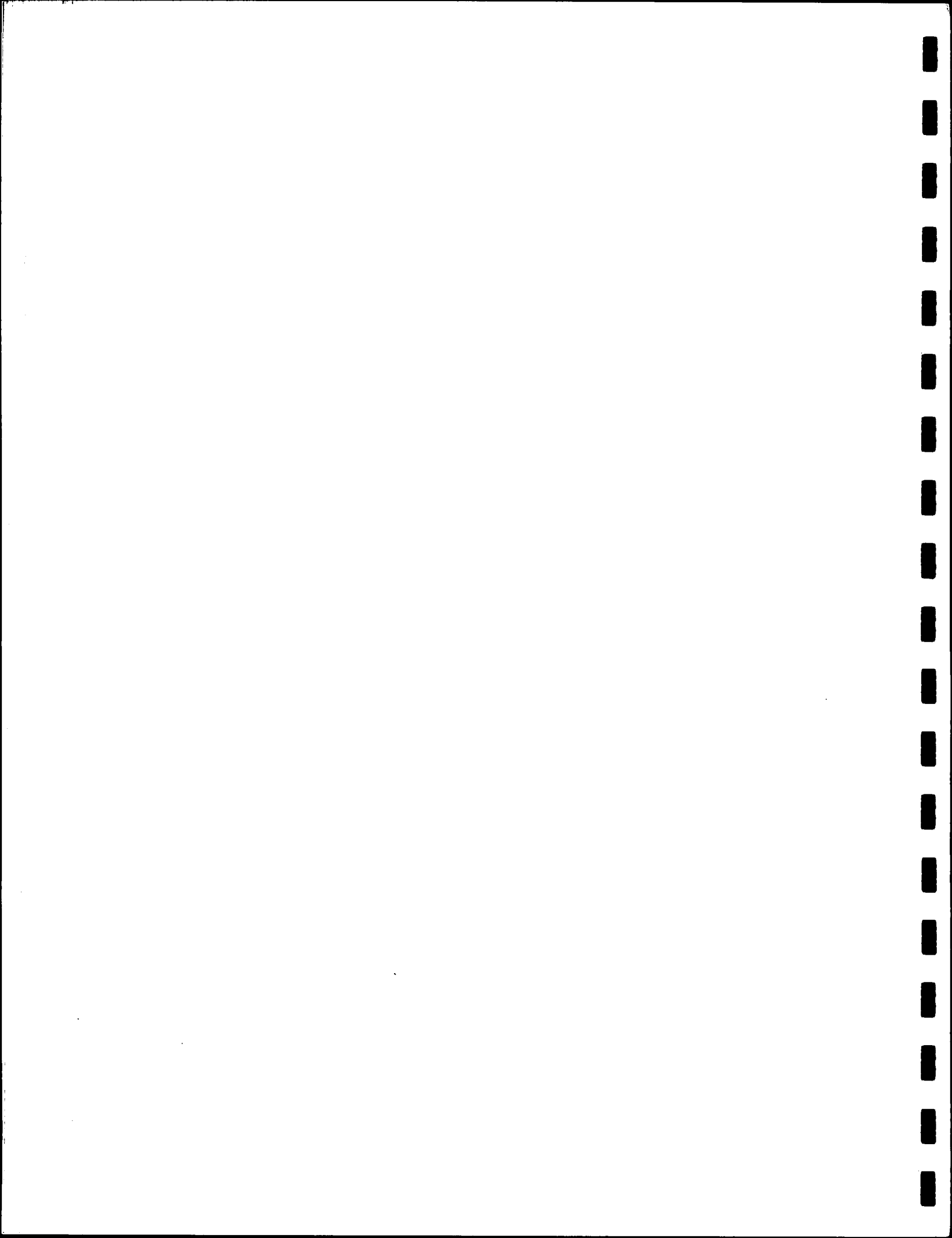
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REPORT OF THE
COMMISSION ON YOUNG OFFENDERS
DECEMBER 1971



COMMISSION ON YOUNG OFFENDERS

APPOINTED MEMBERS

The Honorable George B. Rasin, Jr., Chairman
Mr. Gordon R. Ayers
The Honorable Troy Brailey
The Honorable James Clark, Jr.
Mr. Jack Cohen
Mr. Gerson G. Eisenberg
Mr. Sol Goldstein
The Honorable Donald Hutchinson
The Honorable Lena K. Lee
Mr. William A. Lenz
The Honorable Pauline H. Menes
The Honorable Walter S. Orlinsky
Mr. William Penderhughes
The Honorable John A. Rutkowski
Mr. William J. Ryan
The Honorable Margaret C. Schweinhaut
The Honorable Steven V. Sklar
The Honorable Melvin A. Steinberg
Mr. Francis E. Sliwka, Jr.

STAFF

Richard C. Wertz, Executive Director, Governor's Commission
on Law Enforcement and the Administration of Justice
John E. O'Donnell, Deputy Director
Robert H. Bendler, Director of Planning
Robert A. Hahn, Corrections Program Manager
Stuart Robinson, Staff Assistant
Sandra Allmaras, Recording Secretary

SUMMARY OF RECOMMENDATIONS

(1) Pre-trial diversionary programs should be utilized for the purpose of removing non-dangerous amenable youthful offenders from the criminal justice system. These programs should provide the offender with vocational, educational, and follow-up services for the purpose of enabling the offender to demonstrate over a period of time his adjustment in the community. Successful participation in the program would mean removal from the criminal justice judicial process; while unsuccessful participation in the program would result in return to the criminal justice judicial process. Pre-trial programs should be initiated in close coordination with police, courts, and correctional agencies. The objective of such a program would be to offer the young offender the opportunity to avoid receiving a criminal label and the problems that follow.

(2) The Commission on Young Offenders endorses the major policy recommendations of the Community Corrections Committee Report and urges the implementation of the system of community corrections outlined in the Committee Report. (See Appendix.)

(3) The Division of Parole and Probation and the Division of Correction through the Department of Public Safety and Correctional Services should be given resources necessary to "purchase services" from private or public community-based programs providing employment, educational, counseling services, and other appropriate programs available to the offender in the community. The Department of Public Safety and Correctional Services should develop standards of service, operations, and programs for these facilities. Additionally, the Division should emphasize programs involving the offender's family in the rehabilitation process.

(4a) The Division of Correction should continue intensifying its efforts to obtain the cooperation of labor unions and employers in vocational training and job placement programs. The Commission commends the labor unions and employers providing vocational training and job placement programs for their cooperation with the Division of Correction. Greater emphasis and study should be given to job related programs and services. The Commission further recommends that study efforts have the full involvement of private industry and organized labor, and provide continual evaluation of ongoing vocational training programs to insure training responsive to the

needs of industry. Additionally, the State and local governments should lead the way for providing employment opportunities for ex-offenders to encourage others (private sector) to provide employment and job opportunities. Ex-offenders should also be considered as staff in correctional treatment programs where appropriate.

(4b) The Department of Public Safety and Correctional Services should initiate a review with appropriate State boards and agencies and associations including the State Bar Association for the purpose of reducing barriers to employment posed by discrimination against ex-offenders and the unnecessary restrictions on the hiring and licensing of ex-offenders.

(5) In those subdivisions in the State where the criminal case-load has large numbers of young or youthful offenders, a youth court should be considered with assigned judges aware of the purpose, objectives, and results of established pre-trial diversionary projects and community treatment programs. If youth courts are not established, judges should be continually trained in the use of resources and services available to offenders through a comprehensive criminal justice training and education program. Additional consideration should be given to expanding the use of psychological and psychiatric counseling and parole and probation services to the courts.

(6) The Division of Correction of the Department of Public Safety and Correctional Services should have the capability to expand its social services to aid in the development of comprehensive pre-parole reports and community placement services. In order to assist in the eventual reintegration of the offender into the community, parole staff involvement should begin the moment an offender enters an institution. Additionally, the Parole Board should be informed of the development of all pre-release and community treatment alternatives available throughout the State. As treatment alternatives become available, the use of parole prior to completion of a quarter of term of sentence should be considered.

(7) Complete classification and evaluative-diagnostic capabilities should be developed within the Division of Correction for the expressed purpose of directing the offender to the program (institutional or community) providing the greatest possible chance of successful reintegration into the community. All offenders entering the system should have a treatment prescription developed for their individualized needs, with release related to successful completion or performance. As treatment alternatives and diagnostic capabilities are expanded, further study should be given the use of indeterminate sentence as a treatment tool.

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CHAPTER 1

REPORT ON COMMISSION ACTIVITY

The Maryland General Assembly, recognizing the need for improved methods and additional alternatives to present methods of disposition of cases involving young or youthful offenders above the age jurisdiction of the juvenile court, requested the Governor, the President of the Senate, and the Speaker of the House of Delegates to appoint a Commission on Young Offenders. Joint Resolution No. 28 requesting the establishment of the Commission was approved by Governor Marvin Mandel on April 22, 1971.

The Commission on Young Offenders was requested to receive testimony, collect information, and conduct analyses in order to:

- . Review existing sentencing alternatives and treatment programs for the young offenders;
- . Define the nature and extent of the problem of young offenders in the State of Maryland;
- . Propose executive and legislative guidelines for the handling of young offenders in the criminal justice system; and
- . Make recommendations on the administration, program, and facilities for young offenders.

To assist the Commission on Young Offenders, the staff of the Governor's Commission on Law Enforcement and the Administration of Justice was asked to provide technical and clerical support. The Governor's Commission was established by Executive Order in 1968 in response to the Omnibus Crime Control and Safe Streets Act of 1968. The Governor's Commission on Law Enforcement administers federal anti-crime funds to State agencies and units of local government and coordinates State-wide criminal justice planning.

The Commission on Young Offenders held several meetings for the purpose of receiving testimony. The individuals testifying

before the Commission included both experts in the criminal justice system and the academic profession. A special hearing also was held in Baltimore to receive the testimony of ex-offenders.

The hearings revealed that there is a wide variety of opinion relating to the handling of young offenders in the criminal justice system of Maryland. The individuals testifying recognized the need to divert young offenders away from the criminal justice system and the "labeling" process. Young people were recognized as the nation's future and their conduct could affect the society for years to come. The Commission members have recognized that prevention and rehabilitation are most needed and hold the greatest promise with young offenders.

The members of the Commission on Young Offenders visited four institutions to witness various diagnostic and treatment alternatives for young offenders. The institutions visited by the Commission include the Maryland Children's Center, Baltimore; Patuxent Institution, Jessup; the Correctional Camp Center (Division of Correction), Jessup; and the Maryland Correctional Training Center, Hagerstown. The Commission was anxious to see the vocational and educational programs in operation, the diagnostic and classification capabilities, and the treatment philosophy used in conjunction with the indeterminate sentence.

The study activities of the Commission on Young Offenders, in addition to the hearings and visits discussed above, included a review of the current literature on young offenders, the young or youthful offender statutes in use by other States and the federal government, and pre-trial diversion project reports. The staff also presented to the Commission on Young Offenders a breakdown of the arrest and corrections statistics available in the State as they relate to the young offender. Analysis of the testimony, visits, staff reports, and current literature and project reports focuses on both the philosophy and the technical feasibility of alternative approaches to the present system of handling youthful offenders in the criminal justice system.

CHAPTER 2

YOUNG OFFENDERS

The President's Commission on Law Enforcement and the Administration of Justice noted in its report, The Challenge of Crime in a Free Society, that the problem of youth crime and juvenile delinquency is far reaching in the United States.¹ Since the end of World War II, the young offender, defined in general terms as a law breaker under the legal age of adulthood, has received special attention from American society.² "This new focus of interest may be partly attributable to the general youth consciousness of our times, but it probably also owes something to the alarm felt by the general public at the widely published reports of the youth offenses and other excesses such as drug addiction, gang violence ... and to the common belief that offenses committed by youth have grown more vicious."³ Professionals throughout the criminal justice system have recorded, with consequent community alarm, the rapid increase in arrests of young people for criminal offenses. In 1965, the President's Commission on Law Enforcement and the Administration of Justice reported that the majority of all arrests for major crimes against property are committed by individuals under 21 years of age and that recidivist rates for young offenders are higher than any other age group of offenders. The President's Commission's conclusion that juvenile delinquency and youth crime are "an integral part of American society", in short, seems substantiated by the statistics.⁴

¹President's Commission on Law Enforcement and the Administration of Justice, The Challenge of Crime in a Free Society, Washington, D. C., Government Printing Office, 1967, p. 55.

²Albert G. Hess (ed.), The Young Adult Offender, New York, United Nations, 1965, p. 1.

³Ibid.

⁴President's Commission on Law Enforcement and the Administration of Justice, The Challenge of Crime in a Free Society.

The terms "young" or "youthful" when applied to offenders lacks a clear, precise definition. As described by Mr. Milton Luger in a special report to the President's Task Force on Juvenile Delinquency and Youth Crime, The Youthful Offender, the term "young offender" implies a confusing variety of meanings for different audiences.⁵

It is obvious that the term youthful offender connotes different things to different people. For some it indicates a legal definition involving specialized judicial procedures; for others, a chronological age grouping of offenders evidencing developmental needs; behavioral characteristics are stressed by still others seeking reasons to treat this group with measures ranging from stringent security handling, because of their seemingly aggressive, volatile proclivities, to those advocating benign, protective techniques which shield them from contamination from older criminals. Others think of youthful offender as synonymous with juvenile delinquent.⁶

"Young offender", consequently, may imply a category of judicial defendant; a stage of biological development, a degree of physical power; a stage of social immaturity; or a criminal offender.

The wide variety of definitions of "young offender" has led to treatment recommendations equally as varied. The United Nation's report on the young adult offender indicates that the idea of segregating young offenders from the hard core criminals while imprisoned won adherents as early as 1850. The United Nation's report notes that "doubts had already begun to be expressed [in the 1850's] about the benefits of imprisonment which mixed individuals of different age groups and first offenders with hardened criminals."⁷ The report records that in 1861 a special institution for young adult offenders was constructed in Detroit, Michigan.

⁵Milton Luger, with assistance by Elias B. Saltman, "The Young Offender", in The Task Force Report on Juvenile Delinquency and Youth Crime, Washington, D. C., Government Printing Office, 1965, p. 119.

⁶Ibid.

⁷Albert G. Hess (ed.), The Young Adult Offender.

This specialized institution, called the House of Correction, "allowed the conditional confinement of young felons in the house of correction instead of in the State prison at Jackson under such long terms of sentence as under existing statutes would necessarily have been imposed for felons."⁸ Later, in 1869, New York State established a special penal institution for offenders between the ages of 16 and 30 years.⁹ More recently, in 1940, the American Law Institute drafted a Model Youth Corrections Authority Act. The Model Act "did not alter existing court structure, juvenile or adult, but was concerned only with sentencing procedures and correctional practice."¹⁰ The Act was designed to deal with the problems of the 16-21 age group. The Model Youth Corrections Authority Act included the following features:

- (1) Removal of sentencing power from the court to a central administrative authority.
- (2) Establishment of central diagnostic facilities.
- (3) Power to assign to and transfer among institutions.
- (4) Determination of release with no minimum sentence required.¹¹

The Model Act was adopted in part by California in 1943. Included in the Act were recommended procedures and institutions both for juveniles and for the 16-21 age range. The Act emphasized community treatment as an incarceration alternative. New York, Minnesota, and the federal government followed with similar youth corrections acts.¹²

⁸Z. R. Brockway, Fifty Years of Prison Service, p. 68. Quoted in Albert G. Hess (ed.), The Young Adult Offender, p. 2.

⁹Ibid.

¹⁰Milton Luger, "The Youthful Offender", p. 125.

¹¹Ibid.

¹²Ibid.

Since 1850, concerned administrators, educators, and legislators have proposed arguments for and against specialized and differential treatment of young offenders in the criminal justice system. According to the United Nations Report, The Young Adult Offender, "during the past decade a good deal of opposition has been expressed to the establishment of a separate category for young adult offenders."¹³ The argument against differential treatment for the young adult offender is summarized in the United Nations Report as follows:¹⁴

- (1) It has been argued that the establishment of age categories for offenders contradicts one of the most important principles of modern corrective theories, that of the individualization of treatment in accordance with the specific needs of each offender.
- (2) There is the argument that grouping may, if inappropriately handled, lead to increased standardization rather than the individualization of treatment. This has happened, for example, in those older penal codes under which youth was made the criterion for an automatic reduction in the length of sentence.
- (3) Another important argument concerns the question of responsibility. The creation of a young adult offender group, it is held, unjustifiably allows young criminals to evade full responsibility for their offenses. In this connection it is argued that the young adult, who, in most parts of the world, handles complicated occupational responsibilities and is permitted to marry and to vote, certainly understands the basic provisions of the penal codes.
- (4) It has been objected that the delimitation of a category of young adults on the basis of fixed age limits would be as arbitrary and as little

¹³Albert G. Hess (ed.), The Young Adult Offender, p. 121.

¹⁴Ibid.

related to the realities involved as the admittedly arbitrary borderline which now separates juveniles and adults.

Milton Luger, consultant to the President's Commission, supports special treatment of young offenders. Luger has suggested that young offenders should receive the benefit of special procedures and handling on the basis that young offenders "tend to possess unique characteristics, are involved in different activities, and are viewed as a comparatively distinct entity by society."¹⁵ Luger continues in his report to the Commission that it is his belief "that specialized procedures and personnel would be in the best interests of the young offenders and society."¹⁶ He adds that

... there is no reason to expect automatic, insensitive handling of young offenders because of specialized laws and programs, as long as alternatives and varied resources are at the authorities' disposal. There is much more risk in attempting to deal with this population without taking cognizance of the differentiating pressures, problems, and potential of young offenders. Personnel specifically prepared and knowledgeable about this group are required. Special measures need to be incorporated, in keeping with the individuality of treatment and emphasis on rehabilitation that are traditionally the cornerstones of our efforts with young offenders.¹⁷

In summary, the problem of what to do with the young offender has produced conflicting recommendations. One faction supports the use of specialized judicial procedures of treatment systems to effect rehabilitation. Others argue that specialized systems will diminish the young offender's personal responsibility for the commission of crime. A third group suggests that the contemporary philosophy of adult corrections and its emphasis on individualized treatment absolves the need for separate specialized systems. A further consideration is that fragmented specialized systems tend to unnecessarily increase costs and impede effective administration.

¹⁵Milton Luger, "The Young Offender", p. 125.

¹⁶Ibid.

¹⁷Ibid.

As diverse as these arguments seem, the common thread of concern is the recognition that the young offender simultaneously constitutes a large group of offenders involved with the law and the group for which prevention and rehabilitation efforts hold the greatest promise. The President's Task Force Report restates this premise:

Clearly it is with young people that prevention efforts are most needed and hold the greatest promise. It is simply more critical that young people be kept from crime, for they are the nation's future, and their conduct will affect society for a long time to come. They are not set in their ways; they are still developing, still subject to the influence of the socializing institutions that structure -- however skeletally -- their environment: Family, school gang, recreation program, job market. But that influence, to do the most good, must come before the youth has become involved in the formal criminal justice system.¹⁸

In Maryland, several commissions and legislative council special committees have studied the problem of juvenile delinquency and youth crime.¹⁹ In January, 1943, the Second Maryland Commission on Juvenile Delinquency issued its final report. Although the Commission did not recommend a separate criminal justice system for young offenders, it did recommend a "middle type" of institution for the age group 16-20 years. The Commission concluded its report with a reserved recommendation for special treatment in a "middle" institution.

... generally speaking, the girl or boy who has attained sixteen and violates the law may be assumed to have obtained sufficient maturity to have advanced beyond the stage when he or she is entitled to the same special parental consideration from the State as are younger persons, although for certain

¹⁸President's Commission on Law Enforcement and the Administration of Justice, Task Force Report on Juvenile Delinquency and Youth Crime, p. 41.

¹⁹Report of the Legislative Council Special Committee on Juvenile Courts, State of Maryland, January, 1966, p. 29-46.

types of serious offenders above sixteen and under twenty we have recommended a middle type of institution.²⁰

In 1958 another study considered the problem of incarcerating the youthful offender. The report, Institutional Needs for Delinquent Children and Youthful Offenders of the State of Maryland, was compiled by E. Preston Sharp for the Maryland State Planning Commission.²¹ One of the major recommendations pertaining to young offenders in the report was for "a new Intermediate Reformatory or Industrial School which would accommodate 600 youths between the ages of 15 and 20 years."²²

Other committees and commissions studied the problems of juvenile courts and delinquency. Most of the commissions were appointed by the Governor of Maryland to consider the problem in the State and to report findings to the Governor and the members of the Legislature at the next Session of the General Assembly.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

CHAPTER 3

LOCATING YOUNG OFFENDERS IN MARYLAND

The 1970 census of the population of Maryland indicates that 46.8% of the State's total population is under 25 years of age. As shown in Table 1, the age group of 10-17 years represents 16.1% of the population; while 18-24 year olds represents 11.6% of the total population.²³ Of the total 458,973 persons in the 18-24 year old group, 78% or 361,890 reside in Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery and Prince George's Counties.

TABLE 1

MARYLAND POPULATION BY AGE

1970

AGE	POPULATION	PERCENT OF TOTAL
TOTAL ALL AGES	3,922,399	100.0
Under 10 Years	749,020	19.1
10-17 Years	632,713	16.1
18-24 Years	458,973	11.6
25 and Over	2,081,693	53.1

SOURCE: The United States Department of Commerce, 1970 Census of Population, Advance Report PC (V2)-22 Maryland, February, 1971, p. 10-12.

As will be explained further in Chapter 4 of this report, the Commission on Young Offenders defined "young offender" for the purpose of their study to mean "an individual arrested and being processed in the State's criminal justice system through illegal criminal activities on his part, who is older than the State's

²³The United States Department of Commerce, 1970 Census of Population, Advance Report PC (V2)-22 Maryland, February, 1971, p. 10.

juvenile court jurisdiction (i.e., 18 years of age) or has been waived from juvenile court to adult criminal court but has not yet reached the age of 25.²⁴ The potential young offender, therefore, is a member of an age group that represents approximately 11% of the total population and is concentrated in six major subdivisions of the State.

In order to understand the problem posed to the criminal justice system by the young offender, it is necessary to ascertain the extent and nature of the involvement of young offenders in the system. Arrest statistics can be used to establish some picture of the young offender's involvement with the police. The police departments, in preparing data for the annual returns to the Federal Bureau of Investigation, compile age, sex, and race statistics on persons arrested. A review of these returns, however, must include a recognition of both the general limitations of the Uniform Crime Reporting System²⁵ and of the fact that the annual return "deals only with persons arrested and all arrests are included even though the person is later released without being charged."²⁶ The statistics, therefore, provide some descriptive information on the number of arrests involving 18-24 year olds annually without, however, indicating the number of arrests involving the same offender. Table 2 gives the number and percentage of the total population represented by the 18-24 year old age group in six selected subdivisions of the State. The Table indicates both the number of arrests (except traffic) and the percentage of total arrests involving young offenders. The Table indicates that the percentage of total arrests of young offenders is substantially higher than the percentage of the total population the age group represents in the selected jurisdictions.

Table 3 presents a breakdown of young offender arrests by sex within the selected subdivisions.

Tables 2 and 3 describe police activity in terms of arrests of young persons 18 to 24 years of age. The Tables indicate that

²⁴See Chapter 4, "Detailed Recommendations of the Commission".

²⁵Federal Bureau of Investigation, U. S. Department of Justice, Uniform Crime Reporting Handbook, Washington, D. C., July, 1966, p. 2.

²⁶Ibid.

TABLE 2

NUMBER AND PERCENT OF TOTAL POPULATION OF THE 18-24 YEAR OLD AGE GROUP
AND NUMBER AND PERCENT OF TOTAL ARRESTS BY SELECTED SUBDIVISIONS
WITHIN MARYLAND OF THE 18-24 YEAR OLD AGE GROUP

1970

SUBDIVISION	1970 POPULATION		1970 ARRESTS	
	18-24 Years	Percent of Total Population	18-24 Years	Percent of Total Arrests
Anne Arundel	38,663	13.0	2,397	48.5
Baltimore City	106,265	11.7	17,391	29.5
Baltimore County	65,146	10.5	4,090	25.8
Howard	5,545	8.9	292	33.0
Montgomery	51,159	9.8	2,270	25.8
Prince George's	95,112	14.4	3,247	28.8
TOTALS	361,890	11.8	29,687	29.5

SOURCES: The United States Department of Commerce, 1970 Census of Population, Advance Report PC (V2)-22 Maryland, February, 1971, p. 10-12.

1970 Age, Race, Sex of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's Counties, Police Departments.

TABLE 3
NUMBER AND PERCENT OF YOUNG OFFENDER ARRESTS
FOR SELECTED SUBDIVISIONS BY SEX

1970

SUBDIVISION	TOTAL ARRESTS 18-24 Years	MALES ARRESTED		FEMALES ARRESTED	
		Number of Arrests	Percent of Total	Number of Arrests	Percent of Total
Anne Arundel	2,397	2,090	87.2	307	12.8
Baltimore City	17,391	14,856	85.5	2,535	14.5
Baltimore County	4,090	3,752	91.8	338	8.2
Howard	292	260	89.1	32	10.9
Montgomery	2,270	1,978	87.1	292	12.9
Prince George's	3,247	2,931	90.3	316	9.7
TOTALS	29,687	25,867	87.1	3,820	12.9

SOURCE: 1970 Age, Race, Sex of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's Counties, Police Departments.

arrests of individuals 18 to 24 years old constitute a high percentage of the total arrests in the selected jurisdictions. As presented in Table 3, males constitute the major proportion of the 18 to 24 year olds arrested; approximately 87.1% of the arrests involving 18 to 24 year olds involve males. Table 4 presents the number and percentage of arrests of males by age categories for selected subdivisions in the State. Of the total arrests involving males, approximately 30.2% involve males between 18 and 25.

Table 5 indicates the percentage of both the total male population and the total male arrests represented by the 18-24 year old male group.

This simple analysis of the arrest statistics indicates that young offenders, 18-24 years old, represent a high percentage of the total arrests in comparison to the percentage their age group constitutes in the total population. Almost 90% of the young persons arrested in the selected subdivisions are male. The comparison of young male arrest statistics with their population base for the selected subdivision, indicates that while males 18 to 24 represent 11.6% of all males, they constitute 30.2% of all male arrests. As noted earlier, there are several limitations to the use of police arrest statistics. Additionally, the comparison of population and arrest percentages does not take into account the role of age in the commission of crime. Little crime can be expected from individuals under 10 or over 70 years of age. The purpose of the analysis is to describe how often young offenders are arrested and the offenses for which they are arrested. Table 6 presents the number and percentage of Part I Offense arrests by age group for males 18 to 24 years old in the selected subdivisions. Part I offenses refer to the Federal Bureau of Investigation's Uniform Crime Reporting System Class I of criminal offenses. The Part I offenses include: (1) Criminal Homicide; including both murder and negligent manslaughter; (2) Forcible Rape; (3) Robbery, including mugging, stick-ups, and purse-snatching; (4) Aggravated Assault; (5) Burglary, including house breaking, safe cracking, and unlawful entry of a structure to commit a felony; (6) Larceny, including pocket picking, purse-snatching, shoplifting, theft from motor vehicles, and theft from buildings; and (7) Auto Theft, including theft or attempted theft of motor vehicles.²⁷

²⁷ Ibid., pp. 10, 17, 20, 22, 23, 27, 34-35.

TABLE 4

MALE ARRESTS BY AGE FOR SELECTED SUBDIVISIONS

1970

SUBDIVISION	TOTAL MALE ARRESTS	MALES					
		UNDER 18 YEARS		18-24 YEARS		25 AND OVER	
		Number of Arrests	Percent of Total	Number of Arrests	Percent of Total	Number of Arrests	Percent of Total
Anne Arundel	4,151	935	22.5	2,090	50.3	1,126	27.1
Baltimore City	50,102	11,149	22.2	14,856	29.6	24,097	48.0
Baltimore County	13,573	5,894	43.4	3,752	27.6	3,827	28.2
Howard	792	262	33.0	260	32.8	270	34.0
Montgomery	7,253	3,145	43.4	1,978	27.3	2,130	29.4
Prince George's	9,817	3,508	35.7	2,931	29.9	3,378	34.4
TOTALS	85,688	24,893	29.1	25,867	30.2	34,828	40.6

SOURCE: 1970 Age, Race, Sex of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's Counties, Police Departments.

TABLE 5

PERCENT OF TOTAL MALE POPULATION
AND PERCENT OF TOTAL MALE ARRESTS
FOR 18-24 YEAR OLD MALES
BY SELECTED SUBDIVISION

1970

SUBDIVISION	MALES	
	18-24 YEARS OLD	
	Percent of Total Male Population	Percent of Total Male Arrests
Anne Arundel	18.0	50.3
Baltimore City	11.5	29.6
Baltimore Co.	9.7	27.6
Howard	8.8	32.8
Montgomery	9.5	27.3
Prince George's	13.5	29.9
TOTAL	11.6	30.2

SOURCES: The United States Department of Commerce, 1970 Census of Population, Advance Report PC (V2)-22 Maryland, February, 1971, p. 10-12.

1970 Age, Race, Sex of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's Counties, Police Departments.

Table 7 presents the number and percentage of Part II Offenses arrests by age group for males 18 to 24 years old in the selected subdivisions. Part II Offenses include 20 categories of crime not included in the Part I categories 1 to 7. The offenses are other assaults; arson; forgery and counterfeiting; fraud, embezzlement; buying, receiving, possessing stolen property; vandalism; carrying, possessing weapons; prostitution and commercialized vice; sex offenses; violations of narcotic drug laws; violation of gambling laws; offenses against the family and children, driving under the influence of liquor or narcotics; violations of liquor laws; drunkenness, disorderly conduct, vagrancy; suspicion; and all other offenses except traffic.²⁸

²⁸Ibid., pp. 62-65.

TABLE 6

ARRESTS OF MALES FOR PART I OFFENSES
BY AGE FOR SELECTED SUBDIVISIONS

1970

SUBDIVISION	TOTAL ARRESTS OF MALES	AGE OF MALE ARRESTED					
		UNDER 18 YEARS		18-24 YEARS		25 AND OVER	
		Number of Arrests	Percent of Total	Number of Arrests	Percent of Total	Number of Arrests	Percent of Total
Anne Arundel	1,189	520	43.7	331	27.8	338	28.4
Baltimore City	13,156	5,235	39.8	4,175	31.7	3,746	28.5
Baltimore County	3,700	1,927	52.1	1,175	31.8	598	16.2
Howard	317	134	42.3	96	30.3	87	27.4
Montgomery	2,579	1,699	65.9	533	20.7	347	13.5
Prince George's	2,610	1,510	57.9	700	26.8	400	15.3
TOTALS	23,551	11,025	46.8	7,010	29.8	5,516	23.4

SOURCE: 1970 Age, Race, Sex of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's Counties, Police Departments.

TABLE 7

ARRESTS OF MALES FOR PART II OFFENSES
BY AGE FOR SELECTED SUBDIVISIONS

1970

SUBDIVISION	TOTAL ARRESTS OF MALES	AGE OF MALE ARRESTED					
		UNDER 18 YEARS		18-24 YEARS		25 AND OVER	
		Number of Arrests	Percent of Total	Number of Arrests	Percent of Total	Number of Arrests	Percent of Total
Anne Arundel	2,962	415	14.0	1,759	59.4	788	26.6
Baltimore City	36,946	5,914	16.0	10,681	28.9	20,351	55.0
Baltimore County	9,773	3,967	40.6	2,577	26.4	3,229	33.0
Howard	475	128	26.9	164	34.5	183	38.5
Montgomery	4,674	1,446	30.9	1,445	30.9	1,783	38.1
Prince George's	7,207	1,998	27.7	2,231	31.0	2,978	41.3
TOTALS	62,037	13,868	22.4	18,857	30.4	29,312	47.2

SOURCE: 1970 Age, Race, Sex of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's Counties, Police Departments.

Table 8, on page 20, presents a breakdown of male arrests by age groups for property and violent crimes in Baltimore City. Offenders between the ages of 18 and 24 represented 31.6% of the arrests for Part I Offenses. Additionally, this age group represented 36.1% of the male arrests for violent crimes, and 29.6% of property crimes.

Table 9, on page 21, indicates the offenses for which males 18 to 24 years of age were arrested in 1970 in Baltimore City. Of the total number of 14,856 arrests involving this age group, 2,372 or 15.9% were for disorderly conduct, and 1,816 or 12.2% for simple assaults. Additionally, 9.2% of the arrests were for larceny.

Table 10, on page 22, indicates the offenses for which males 18 to 24 years of age were arrested in 1970 in selected jurisdictions throughout the State. Of the total of 11,011 arrests involving young offenders, 2,145 or 19.5% were for simple assaults, 1,677 or 15.2% were for disorderly conduct, and 1,202 or 10.9% were for larceny.

Table 11, on page 23, focuses on arrests of males for violation of narcotic drug laws in selected subdivisions of the State during 1970. Of the total number of arrests of males for violation of drug laws, 50.9% were of young offenders 18 to 24 years of age.

Table 12, on page 24, indicates the average daily population of correctional institutions in the State of Maryland as of June 15, 1971. The offenders are classified according to their age at the time of commitment. The numerical and percentage figures for 18 to 24 year old males emphasizes the high proportion of youthful offenders committed to Maryland correctional institutions. The Table shows that 46.8% of those incarcerated are between the ages of 18 and 24 years.

Table 13, on page 25, presents data describing the length of sentences (expressed in total months) for offenders who were 18 to 24 years old at the time of their commitment. Approximately 31.0% of the young offenders received sentences of less than three years, with 49.2% receiving less than five years.

TABLE 8

ARRESTS OF MALES FOR PART I VIOLENT CRIMES
AND PROPERTY CRIMES BY
AGE IN BALTIMORE CITY

1970

OFFENSE	TOTAL ARRESTS OF MALES	AGE OF MALE ARRESTED					
		UNDER 18 YEARS		18-24 YEARS		25 AND OVER	
		Number of Arrests	Percent of Total	Number of Arrests	Percent of Total	Number of Arrests	Percent of Total
				Violent Crimes			
Murder and Non- Negligent Man- slaughter	291	44	15.1	100	34.3	147	50.5
Forcible Rape	348	88	25.2	112	32.1	148	42.5
Robbery	1,764	529	29.9	818	46.3	417	23.6
Aggravated Assault	1,766	231	13.0	476	26.9	1,059	59.9
Subtotal	4,169	892	21.3	1,506	36.1	1,771	42.4
				Property Crimes			
Burglary	3,150	1,876	59.5	846	26.8	428	13.5
Larceny	4,298	1,620	37.6	1,372	31.9	1,306	30.3
Auto Theft	1,503	845	56.2	438	29.1	220	14.6
Subtotal	8,951	4,341	47.3	2,656	29.6	1,954	21.8

SOURCE: Baltimore City Police Department.

TABLE 9
ARRESTS OF 18 TO 24 YEAR OLD MALES
IN BALTIMORE CITY BY CLASSIFICATION
OF OFFENSE

1970

CLASSIFICATION OF OFFENSE	NUMBER OF ARRESTS	PERCENT OF TOTAL
<u>Total Arrests</u>	14,856	100.0
Disorderly Conduct	2,372	15.9
Other Assaults	1,816	12.2
Larceny - Theft	1,372	9.2
Narcotic Drug Laws	1,289	8.6
Burglary	846	5.6
Robbery	818	5.5
Liquor Laws	746	5.0
Aggravated Assaults	476	3.2
Weapons; Carrying, Possession	450	3.0
Auto Theft	438	2.9
All Other Offenses (except traffic)	4,233	28.4

SOURCE: Baltimore City Police Department.

TABLE 10

ARRESTS OF 18 TO 24 YEAR OLD MALES IN SELECTED
COUNTIES* BY CLASSIFICATION OF OFFENSE

1970

CLASSIFICATION OF OFFENSE	NUMBER OF ARRESTS	PERCENT OF TOTAL
<u>Total Arrests</u>	11,011	100.0
Other Assaults	2,145	19.5
Disorderly Conduct	1,677	15.2
Larceny	1,202	10.9
Narcotic Drug Laws	912	8.3
Burglary	805	7.3
Liquor Laws	660	6.0
Robbery	355	3.2
Vandalism	316	2.9
Weapons; Carrying, Possession	270	2.5
Auto Theft	225	2.0
All Other Offenses	2,444	22.0

*Anne Arundel, Baltimore, Howard, Montgomery and Prince George's
Counties.

SOURCE: Age, Sex and Race of Arrested Persons, Returns of Anne
Arundel, Baltimore, Howard, Montgomery, and Prince George's
Counties Police Departments.

TABLE 11

ARRESTS OF MALES FOR VIOLATION OF
NARCOTIC DRUG LAWS BY
AGE IN SELECTED SUBDIVISIONS

1970

SUBDIVISIONS	TOTAL ARRESTS OF MALES	AGE OF MALE ARRESTED					
		UNDER 18 YEARS		18-24 YEARS		25 AND OVER	
		Number of Arrests	Percent of Total	Number of Arrests	Percent of Total	Number of Arrests	Percent of Total
Anne Arundel	163	64	39.3	99	60.7	0	00.0
Baltimore City	2,650	420	15.8	1,289	48.6	941	35.5
Baltimore County	493	132	26.8	288	58.4	73	14.8
Howard	49	22	44.9	26	53.1	1	2.0
Montgomery	513	220	42.9	241	47.0	52	10.1
Prince George's	456	133	29.2	258	56.6	65	14.3
TOTALS	4,324	991	22.9	2,201	50.9	1,132	26.2

SOURCE: Age, Sex and Race of Arrested Persons, Returns of the Baltimore City, Anne Arundel, Baltimore, Howard, Montgomery and Prince George's Counties, Police Department.

TABLE 12

DIVISION OF CORRECTION
AVERAGE DAILY POPULATION OF
INSTITUTIONS BY AGE AT
TIME OF COMMITMENT
AS OF
JUNE 15, 1971

INSTITUTION	TOTAL POPU- LATION	AGE AT TIME OF COMMITMENT					
		UNDER 18 YEARS		18-24 YEARS		25 AND OVER	
		Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Reception & Classification Center	577	21	3.6	329	57.0	227	39.3
Penitentiary	826	35	4.2	340	41.1	451	54.6
MCI-MCTC	1,520	135	8.8	1,331	87.6	54	3.6
House of Correction, Camp System	3,175	43	1.4	853	26.9	2,279	71.8
TOTALS	6,098	234	3.8	2,853	46.8	3,011	49.4

SOURCE: Division of Correction, Department of Public Safety and Correctional Services.

TABLE 13

DIVISION OF CORRECTION
LENGTH OF SENTENCE IN MONTHS
FOR OFFENDERS 18 TO 24
YEARS OLD AT
TIME OF COMMITMENT
AS OF
JUNE 15, 1971

INSTITUTION	LENGTH OF SENTENCE IN MONTHS							
	0-12	13-36	37-60	61-120	121-240	241-360	361 and Over	Life Sentence
Reception, Diagnostic and Classification Center	38	75	80	73	47	7	8	1
Penitentiary	8	28	18	34	65	58	28	96
MCI-MCTC	105	363	266	287	235	50	13	12
House of Correction, Camp System	42	224	156	180	159	43	20	29
TOTALS	193	690	520	574	506	158	69	138
Percent of Total	6.8	24.2	18.2	20.1	17.7	5.5	2.4	4.8
								*

* Less than .1%

Source: Division of Correction, Department of Public Safety and Correctional Services.

A breakdown of the commitments of young offenders to the Division of Correction is given by local jurisdiction in Table 14. Of the annual commitments of young offenders to the Division, 64.8% are from Baltimore City and 21.0% from Prince George's, Montgomery, Anne Arundel, and Baltimore Counties.

TABLE 14
JURISDICTIONS FROM WHICH 18 TO 24
YEAR OLD OFFENDERS
WERE COMMITTED TO
DIVISION OF CORRECTION
AS OF

JUNE 15, 1971

SUBDIVISION	TOTAL COMMITMENTS	PERCENT OF TOTAL
Total	2,853	100.0
Anne Arundel	111	3.9
Baltimore County	163	5.7
Montgomery	67	2.3
Prince George's	257	9.0
Subtotal	598	21.0
Baltimore City	1,849	64.8
Remaining Sub- divisions and Others	406	14.2

SOURCE: Division of Correction, Department of Public Safety and Correctional Services.

The figures in Table 15 indicate the race of offenders under the age of 24 years at the time of their commitment to the Division of Correction. In the 18 to 24 years old category, the percentage of non-white offenders is 74.4; with white offenders constituting 25.6% of the total. In the under 18 years old group, non-white offenders represent 81.2% of the total, and white offenders account for the remaining 18.8%. In both age categories, the majority of the offenders were referred to the MCI-MCTC complex.

TABLE 15
RACE OF YOUNG OFFENDERS
(UNDER 24 YEARS)
AT TIME OF COMMITMENT
TO THE DIVISION OF CORRECTION
AS OF

JUNE 15, 1971

INSTITUTION	AGE AT TIME OF COMMITMENT					
	Under 18			18 to 24		
	Total	White	Non-White	Total	White	Non-White
Reception, Diagnostic & Classification Center	21	5	16	329	92	237
Maryland Penitentiary	35	5	30	340	62	278
MCI-MCTC	135	30	105	1,331	421	910
House of Correction, Camp System	43	4	39	853	156	697
Totals	234	44	190	2,853	731	2,122
Percent of Total	100.0	18.8	81.2	100.0	25.6	74.4

SOURCE: Division of Correction, Department of Public Safety and Correctional Services.

Table 16, on page 29, lists the offenses of those offenders who were 18-24 years old at the time of commitment to the Division of Correction. The large majority of young offenders were convicted of robbery related offenses. Approximately 29% of the committed young offenders had robbery related charges. Additionally, burglary and larceny related offenses constituted 11.8% and 10.6% respectively.

Table 17, on page 30, is based on a survey of offenders on probation under the supervision of the Supreme Bench Probation Department in Baltimore City. The Table indicates that offenders between 18 and 25 years of age represent 48% of the total probation caseload. Eighty-nine percent of this age grouping is male, and 34% are white.

Table 18, on page 31, lists the offenses of offenders under 25 years of age, now under the supervision of the Supreme Bench Probation Department. Narcotic drug violations constitute 21% of the total with breaking and entering representing 19%.

Finally, Table 19, on page 32, compares the unemployment rate of ex-offenders and the total work force in Baltimore City for a seven month period beginning November, 1971. In each month considered, the unemployment rate for ex-offenders is more than six times greater than the rate for the total work force.

The Commission found ex-offender unemployment to be a serious limitation to the successful adjustment of the offender in the community.

TABLE 16

OFFENSES OF PERSONS 18-24 YEARS OLD
AT THE TIME OF COMMITMENT TO THE DIVISION OF CORRECTION
AS OF

JUNE 15, 1971

OFFENSE	TOTAL	PERCENT OF TOTAL
All Offenses	2,853	100.0
Murder, 1st and 2nd degrees and Mansalughter	186	6.5
Rape, Assault with Intent to Rape	82	2.9
Assault, Including Common Assault, Assault and Battery, Assault with Deadly Weapon, Assault with In- tent to Kill, and Sexual Assault	242	8.5
Robbery, Including Robbery with Deadly Weapon, Assault with Intent to Rob, Assault to Rob	826	29.0
Burglary, Including Breaking and Entering, Housebreaking, Storehouse Breaking, Attempted Burglary	338	11.8
Larceny, Including Grand Lar- ceny, Stealing, Shoplifting, Looting, Theft	303	10.6
Unauthorized Use of Motor Vehicle	91	3.2
Violation of Narcotics Laws	224	7.9
Violation of Probation	147	5.2
All Remaining Offenses	414	14.5

SOURCE: Division of Correction, Department of Public Safety and Correctional Services.

TABLE 17

PROBATION DEPARTMENT OF THE SUPREME BENCH OF BALTIMORE CITY

AGE, SEX, AND RACE OF OFFENDERS ON PROBATION*

1971

AGE			SEX				RACE			
Grouping in Years	Number	Percentage	Male		Female		White		Non-White	
			Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
0-17	282	13%	268	13%	14	6%	85	11%	197	13%
18-24	1,075	48%	965	48%	110	45%	362	46%	713	49%
25 & Over	887	39%	767	39%	120	49%	336	43%	551	38%
TOTAL	2,244	100%	2,000	89%	244	11%	783	100%	1,461	100%

SOURCE: Probation Department of the Supreme Bench of Baltimore City, July, 1971.

NOTE: *Based on a survey of 2,244 cases.

TABLE 18

PROBATION DEPARTMENT OF THE
SUPREME BENCH OF BALTIMORE CITY
OFFENSES OF OFFENDERS UNDER
25 YEARS OF AGE AND
ON PROBATION*

OFFENSE	NUMBER OF OFFENDERS	PERCENT OF TOTAL
Burglary	82	6
Larceny, including shoplifting and receiving stolen goods.	131	10
Robbery	150	11
Assault, includes: purse snatching and child beating	154	11
Breaking/Entering, includes house breaking and storehouse breaking	254	19
Narcotic Violation	287	21
Sex Offenses, includes rape, sodomy and indecent exposure.	36	3
Murder/Manslaughter	10	Less than 1.0%
Other	253	19
	<u>1,357</u>	<u>100</u>

*Based on a survey of 2244 cases

SOURCE: Probation Department of the Supreme Bench of Baltimore City, July 1971.

TABLE 19
COMPARATIVE UNEMPLOYMENT
BETWEEN
EX-OFFENDERS AND TOTAL WORK FORCE
IN BALTIMORE
NOVEMBER, 1970 - MAY, 1971

MONTH/YEAR	UNEMPLOYMENT RATE	
	Total Work Force	Ex-Offenders
November, 1970	4.1%	28.0%
December, 1970	3.9%	23.0%
January, 1971	4.5%	33.0%
February, 1971	4.7%	33.0%
March, 1971	4.7%	32.0%
April, 1971	4.3%	31.0%
May, 1971	4.4%	28.0%

SOURCE: Maryland Division of Parole and Probation, Community Employment Coordinator, June, 1971.

The Commission on Young Offenders recognized that young offenders constitute a disproportionate share of arrests in major jurisdictions throughout the State (see Tables 1 and 2). The vast majority of arrests of young offenders involve males with disorderly conduct, simple assault and larceny charges (see Tables 3-10). However, the Commission felt that with proper utilization of pre-trial diversionary programs, it may be possible to divert first, nondangerous youthful offenders from involvement in the criminal justice system (see Recommendation (1), Chapter 4). The fact that youthful offenders represented a large proportion of the offenders in institutions and on probation was of major concern to the Commission (see Tables 12 and 17). The offenses of incarcerated young offenders and probationers reflected a greater degree of seriousness than the arrest statistics (see Tables 9, 10, 11, 16, and 18). The Commission desired a strengthened rehabilitation program reflected in community facilities and programs (see Recommendation (2), Chapter 4); in additional alternatives to incarceration and probation (see Recommendation (3), Chapter 4); in relevant vocational and educational training and acceptance of the ex-offender in the community (see Recommendations (4a) and (4b), Chapter 4); in more effective diagnostic and evaluation capabilities (see Recommendations (5) and (7), Chapter 4); and in more effective coordination between treatment and parole (see Recommendation (6) and (7), Chapter 4). The major concern of the Commission has been the provision of the capabilities and resources necessary for effective reintegration of the offender into the community without jeopardizing public safety.

CHAPTER 4

RECOMMENDATIONS OF THE COMMISSION

The Commission on Young Offenders has recognized that crime and delinquency are symptoms of failures of individual offenders to adjust within the community. The task of society, in general, and of the criminal justice system, specifically, includes the building of solid ties between the offender and the community. The Commission on Young Offenders also recognized that, in Maryland, individuals between the ages of 18 and 25 years represent a high percentage of the persons arrested and incarcerated in the State corrections system: 29.5% of the persons arrested in Baltimore City in 1970 were between the ages of 18 and 24; 33.8% of the persons arrested in the larger counties were between the ages of 18 and 24; and 46% of the male offenders incarcerated in the State correctional system started to serve their sentence between the ages of 18 and 24. For the purpose of this report, the Commission on Young Offenders has defined YOUNG OFFENDER TO MEAN AN INDIVIDUAL ARRESTED AND BEING PROCESSED IN THE STATE'S CRIMINAL JUSTICE SYSTEM, WHO IS OLDER THAN THE STATE'S JUVENILE COURT JURISDICTION (i.e., 18 YEARS OF AGE) AND WHO HAS NOT YET REACHED THE AGE OF 25. The definition also includes juveniles under 18 years of age waived from the juvenile court to adult criminal court for judicial processing.

The Commission on Young Offenders has found that the criminal justice system in Maryland in recent years has made some important improvements. The establishment of a District Court system will provide the administrative structure necessary for expansion of sentencing alternatives and diagnostic and classification capabilities at the lower court level. The District Court system also will provide qualified legally trained judges throughout the State. The State Division of Parole and Probation will make supervisory and counseling services available to the District Court on a State-wide basis. The establishment of a Public Defender system in 1972 will provide a comprehensive system of effective counsel for indigents early in the criminal justice process. The Department

of Public Safety and Correctional Services also has begun to intensify its community approach to rehabilitation with respect to the utilization of such community programs as pre-release centers, job placement, and volunteer counseling, and resources and is planning for programs and facilities necessary for a community-based correctional system.

The Maryland crime rate continues to rise, however, court backlog in some locations in the State still exists, and many individuals continue to serve terms in inadequate facilities lacking correctional programs. Since the young offender represents a large portion of the adults in the criminal justice system in Maryland, the Commission feels that additional steps must be taken.

The Commission on Young Offenders recommends that the State focus attention on the young offender from the time he is charged with an offense. The State should provide the capability to identify significant offender problems and focus broad based resources on the young offender's problems. The Commission on Young Offenders recognizes, as did the President's Task Force Report on Juvenile Delinquency and Youth Crime, that "it is simply more critical that the young people be kept from crime for they are the nation's future, and their conduct will affect society for a long time to come. They are not yet set in their ways; they are still developing, still subject to the influence of socializing institutions that structure ... their environment: family, school, ... recreation programs, job market."²⁹ The Commission on Young Offenders has recognized that for the socializing influence to do the most good, it must come before the youth is deeply involved in the formal criminal justice system. The Commission on Young Offenders recommends that the criminal justice system, as far as possible, avoid bringing young offenders into the criminal justice process. The detrimental consequences of jail, trial, and incarceration in a State or local institution may outweigh the positive benefits. The Commission on Young Offenders suggests that

²⁹ President's Commission on Law Enforcement and the Administration of Justice, Task Force Report on Juvenile Delinquency and Youth Crime, p. 41.

the provision of other alternatives prior to trial might solve the family, educational, vocational, and economic problems of the young offenders, without protracted involvement in the criminal justice system. The Commission on Young Offenders recognizes the need to divert young offenders from the criminal justice system both to avoid labeling them "criminal" for the remainder of their lives and for the purposes of assisting them to become law abiding, productive members of society. The Commission reviewed in detail the success and shortcomings of such pre-trial diversionary programs as Project Crossroads in the District of Columbia and the Manhattan Court Employment Project. With proper implementation and utilization of community resources, a program of pre-trial diversion could provide a more effective means to crime control than formal criminal justice processing. To this end the Commission recommends:

(1) PRE-TRIAL DIVERSIONARY PROGRAMS SHOULD BE UTILIZED FOR THE PURPOSE OF REMOVING NON-DANGEROUS AMENABLE YOUTHFUL OFFENDERS FROM THE CRIMINAL JUSTICE SYSTEM. THESE PROGRAMS SHOULD PROVIDE THE OFFENDER WITH VOCATIONAL, EDUCATIONAL, AND FOLLOW-UP SERVICES FOR THE PURPOSE OF ENABLING THE OFFENDER TO DEMONSTRATE OVER A PERIOD OF TIME HIS ADJUSTMENT IN THE COMMUNITY. SUCCESSFUL PARTICIPATION IN THE PROGRAM WOULD MEAN REMOVAL FROM THE CRIMINAL JUSTICE JUDICIAL PROCESS; WHILE UNSUCCESSFUL PARTICIPATION IN THE PROGRAM WOULD RESULT IN RETURN TO THE CRIMINAL JUSTICE JUDICIAL PROCESS. PRE-TRIAL PROGRAMS SHOULD BE INITIATED IN CLOSE COORDINATION WITH POLICE, COURTS, AND CORRECTIONAL AGENCIES. THE OBJECTIVE OF SUCH A PROGRAM WOULD BE TO OFFER THE YOUNG OFFENDER THE OPPORTUNITY TO AVOID RECEIVING A CRIMINAL LABEL AND THE PROBLEMS THAT FOLLOW.

The Commission on Young Offenders has recognized the need to direct resources to the offender when he first becomes involved with the law. In most cases, the offender's initial contact with the criminal justice system is at the local level. He is arrested by local police and detained in a locally

operated jail. In Maryland, as noted in the Community Corrections Committee Report, the limitation of local financing and antiquated facilities prevent local institutions from providing segregation where necessary by sex, age, legal status, treatment needs, and seriousness of offense. "Few jails in Maryland have the facilities, programs, personnel, or local financing to rehabilitate prisoners. The majority do not even have constructive programs for occupying prisoners' time."³⁰

In order to maximize the chances of rehabilitating the young offender, the criminal justice system must have the capability to focus resources for individualized and differentiated treatment at the local level. Recognizing the importance of correctional programming throughout the State for all offenders, the Commission on Young Offenders strongly endorses the recommendation that the Community Corrections Committee outlined in that Committee's report in January, 1971. The Commission on Young Offenders endorses and adopts as part of its final report the policy decisions made by the Community Corrections Committee to serve as the framework of treatment and rehabilitation of the offender in the community. To this end,

(2) THE COMMISSION ON YOUNG OFFENDERS ENDORSES THE MAJOR POLICY RECOMMENDATIONS OF THE COMMUNITY CORRECTIONS COMMITTEE REPORT AND URGES THE IMPLEMENTATION OF THE SYSTEM OF COMMUNITY CORRECTIONS OUTLINED IN THE COMMITTEE REPORT. (See Appendix)

The Commission on Young Offenders has recognized that special treatment should be initiated for the young offender involved in the criminal justice system. The Commission, however, recommends that such programs should be incorporated into the existing philosophy and facilities of the Department of Public Safety and Correctional Services. The Commission agrees that age should not be the only criteria for the classification

³⁰Community Corrections Committee, Community Corrections Program and Facilities for Maryland, March, 1971, p. 5.

and treatment of the offender and recommends the individualization of treatment in accord with the specific needs of each offender in the system. The Commission does not recommend a separate system or authority for the treatment of youthful offenders. The Commission recognizes the need for the Divisions of Corrections and Parole and Probation to intensify their programming for young offenders. Programs involving specialized caseloads, psychological counseling, and group therapy should be expanded within the Division of Parole and Probation. Institutional programs involving job training and placement should emphasize union certification and level of training. In accordance with the Community Corrections Committee recommendations, the State should give the Division of Parole and Probation and the Division of Correction the capability to intensify and expand their use of community-based facilities and treatment programs. The Division of Parole and Probation should expand its staff for the purpose of reducing caseloads and emphasizing individualized counseling and supervision. Both the Divisions of Correction and Parole and Probation should continue their efforts to aid the offender in the difficult transition back into the community. To assist in this aim, the Commission on Young Offenders recommends:

(3) THE DIVISION OF PAROLE AND PROBATION AND THE DIVISION OF CORRECTION THROUGH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHOULD BE GIVEN RESOURCES NECESSARY TO "PURCHASE SERVICES" FROM PRIVATE OR PUBLIC COMMUNITY-BASED PROGRAMS PROVIDING EMPLOYMENT, EDUCATIONAL, COUNSELING SERVICES AND OTHER APPROPRIATE PROGRAMS AVAILABLE TO THE OFFENDER IN THE COMMUNITY. THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHOULD DEVELOP STANDARDS OF SERVICE, OPERATIONS, AND PROGRAMS FOR THESE FACILITIES. ADDITIONALLY, THE DIVISION SHOULD EMPHASIZE PROGRAMS INVOLVING THE OFFENDER'S FAMILY IN THE REHABILITATION PROCESS.

The Commission on Young Offenders identified employment as an important factor in the young offender's adjustment in the community. The unemployment rate of parolees in Baltimore City varied between 28% and 33% for the months November, 1970 to

May, 1971. Reducing unemployment and under-employment of the young ex-offenders, probationers, and parolees is necessary to assist in their successful adjustment to community living. Institutional and community job training programs, which are necessary to equip the young offender with the skills he needs to hold a job, should be coordinated with placement programs. Labor unions and industry should be encouraged to cooperate in the State's efforts to train and place young offenders. Presently, the Division of Correction, in conjunction with the Maryland Council of the AFL-CIO, operates a job placement program. A placement team from the Maryland Council of AFL-CIO has established an employment placement service for inmates approaching release dates. The team works with the Division of Correction to insure that the skills taught to the inmate are of use to him upon his release into the community. After the placement team develops job openings, inmates leave the correctional institutions on special leave for a job interview with employers. During the first nine months of the AFL-CIO Job Placement Project, 251 inmates began jobs with 89 different employers. This project was funded through the Governor's Commission on Law Enforcement and the Administration of Justice under the provisions of the Omnibus Crime Control and Safe Streets Act of 1970.

The Commission on Young Offenders noted the stigma of a criminal record and the harmful effect it has on ex-offender employment. National surveys have shown that many ex-offenders subsist solely through the help of friends and relatives. Few programs in Maryland now give an ex-offender or parolee a sound economic base to start a new career. It is important, therefore, to plan special post-release, parole, and probation programs to aid the offender financially. Unnecessary restrictions on the hiring and licensing of ex-offenders should be removed for the purpose of expanding employment opportunities. The Commission decided that it would be desirable to expunge an ex-offender's record after a period of successful adjustment in the community. However, seeing no practical method of accomplishing this objective, the Commission felt that job opportunities and avenues to acceptance in employment for ex-offenders be strengthened. To these ends, the Commission recommends:

(4a) THE DIVISION OF CORRECTION SHOULD CONTINUE INTENSIFYING ITS EFFORTS TO OBTAIN THE COOPERATION OF LABOR UNIONS AND EMPLOYERS IN VOCATIONAL TRAINING AND JOB PLACEMENT PROGRAMS. THE COMMISSION COMMENDS THE LABOR UNIONS AND EMPLOYERS PROVIDING VOCATIONAL TRAINING AND JOB PLACEMENT PROGRAMS FOR THEIR COOPERATION WITH THE DIVISION OF CORRECTION. GREATER EMPHASIS AND STUDY BE GIVEN TO JOB RELATED PROGRAMS AND SERVICES. THE COMMISSION FURTHER RECOMMENDS THAT STUDY EFFORTS HAVE THE FULL INVOLVEMENT OF PRIVATE INDUSTRY AND ORGANIZED LABOR AND PROVIDE CONTINUAL EVALUATION OF ONGOING VOCATIONAL TRAINING PROGRAMS TO INSURE TRAINING RESPONSIVE TO THE NEEDS OF INDUSTRY. ADDITIONALLY, THE STATE AND LOCAL GOVERNMENTS SHOULD LEAD THE WAY FOR PROVIDING EMPLOYMENT OPPORTUNITIES FOR EX-OFFENDERS TO ENCOURAGE OTHERS (PRIVATE SECTOR) TO PROVIDE EMPLOYMENT AND JOB OPPORTUNITIES. EX-OFFENDERS SHOULD ALSO BE CONSIDERED AS STAFF IN CORRECTIONAL TREATMENT PROGRAMS WHERE APPROPRIATE.

(4b) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHOULD INITIATE A REVIEW WITH APPROPRIATE STATE BOARDS AND AGENCIES AND ASSOCIATIONS INCLUDING THE STATE BAR ASSOCIATION, FOR THE PURPOSE OF REDUCING BARRIERS TO EMPLOYMENT POSED BY DISCRIMINATION AGAINST EX-OFFENDERS AND THE UNNECESSARY RESTRICTIONS ON THE HIRING AND LICENSING OF EX-OFFENDERS.

The Commission on Young Offenders discussed in detail the advantages by a youth court or a separate youth judicial system. The Commission on Young Offenders agreed that judges, in particular, should be aware of pre-trial diversionary programs and sentencing alternatives implemented through the community corrections system. Additionally, judges should be intimately familiar with institutions to which offenders are sentenced and all rehabilitation and treatment programs. The Commission also recognized that the problem of the youthful offender varies widely throughout jurisdictions in the State. To this end, the Commission recommends:

(5) THAT IN THOSE SUBDIVISIONS IN THE STATE WHERE THE CRIMINAL CASELOAD HAS LARGE NUMBER OF YOUNG OR YOUTHFUL OFFENDERS, A YOUTH COURT BE CONSIDERED WITH ASSIGNED JUDGES AWARE OF THE PURPOSE, OBJECTIVES, AND RESULTS OF ESTABLISHED PRE-TRIAL DIVERSIONARY PROJECTS AND COMMUNITY TREATMENT PROGRAMS. IF YOUTH COURTS ARE NOT ESTABLISHED, JUDGES SHOULD BE CONTINUALLY TRAINED IN THE USE OF RESOURCES AND SERVICES AVAILABLE TO OFFENDERS THROUGH A COMPREHENSIVE CRIMINAL JUSTICE TRAINING AND EDUCATION PROGRAM. ADDITIONAL CONSIDERATION SHOULD BE GIVEN TO EXPANDING THE USE OF PSYCHOLOGICAL AND PSYCHIATRIC COUNSELING AND PAROLE AND PROBATION SERVICES TO THE COURTS.

The existing statutes of the State of Maryland enable parole at any point in the offender's sentence. By administrative procedure the offender first comes before the review board after a quarter of his sentence has been served. The Commission on Young Offenders recognizes the need for the Division of Correction to be able to supply the Parole Board with adequate information to consider an offender for parole. The Parole Board also must be advised of the correctional alternatives available to the offender within the community. As a community correction approach begins operating throughout Maryland, the State Division of Correction should make every effort in cooperation with the Parole Board to make maximum use of parole for the offender when he is ready to be released and has access to correctional programs in the community. It is particularly important to avoid exposing the young offender to more incarceration than is necessary. To this end, the Commission recommends that:

(6) THE DIVISION OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHOULD HAVE THE CAPABILITY TO EXPAND ITS SOCIAL SERVICES TO AID IN THE DEVELOPMENT OF COMPREHENSIVE PRE-PAROLE REPORTS AND COMMUNITY PLACEMENT SERVICES. IN ORDER TO ASSIST IN THE EVENTUAL REINTEGRATION OF THE OFFENDER INTO THE COMMUNITY, PAROLE STAFF INVOLVEMENT SHOULD BEGIN THE MOMENT AN OFFENDER ENTERS AN INSTITUTION. ADDITIONALLY, THE PAROLE

BOARD SHOULD BE INFORMED OF THE DEVELOPMENT OF ALL PRE-RELEASE AND COMMUNITY TREATMENT ALTERNATIVES AVAILABLE THROUGHOUT THE STATE. AS TREATMENT ALTERNATIVES BECOME AVAILABLE, THE USE OF PAROLE PRIOR TO COMPLETION OF A QUARTER OF TERM OF SENTENCE SHOULD BE CONSIDERED.

The Commission reviewed and discussed the possible use of the indeterminate sentence as recommended by the American Law Institute's "Model Sentencing Act". One essential requisite to an effective and judicious usage of the indeterminate sentence, is a complete range of diagnostic and classification services. A system of complete and effective diagnostic and classification capabilities has been recommended by the Community Corrections Committee and endorsed by the Commission on Young Offenders. The Commission, however, has recognized the need to draw special attention to the necessity of this capability. The Commission notes that with proper treatment programs and diagnostic and classification capabilities, correctional agencies should be able to effectively determine the inmates' needs, programs and length of incarceration. The Commission notes that by State statute the Board of Parole may parole at any time in the offender's sentence. Strengthening diagnostic and pre-parole reporting capabilities as well as developing community treatment alternatives should enable release of the offender from the institution when he is ready for release and chances are best for his successful adjustment in the community. To this end, the Commission recommends:

(7) THE DEVELOPMENT OF COMPLETE CLASSIFICATION AND EVALUATIVE-DIAGNOSTIC CAPABILITIES WITHIN THE DIVISION OF CORRECTION FOR THE EXPRESSED PURPOSE OF DIRECTING THE OFFENDER TO THE PROGRAM (INSTITUTIONAL OR COMMUNITY) PROVIDING THE GREATEST POSSIBLE CHANCE OF SUCCESSFUL REINTEGRATION INTO THE COMMUNITY. ALL OFFENDERS ENTERING THE SYSTEM SHOULD HAVE A TREATMENT PRESCRIPTION DEVELOPED FOR THEIR INDIVIDUALIZED NEEDS, WITH RELEASE RELATED TO SUCCESSFUL COMPLETION OR PERFORMANCE. AS TREATMENT ALTERNATIVES AND DIAGNOSTIC CAPABILITIES ARE EXPANDED, FURTHER STUDY SHOULD BE GIVEN THE USE OF INDETERMINATE SENTENCE AS A TREATMENT TOOL.

APPENDIX

1. Recommendations of Community Corrections Committee
2. Selected Bibliography

RECOMMENDATIONS OF THE
COMMUNITY CORRECTIONS COMMITTEE
JANUARY 1971

- (1) The Maryland Department of Public Safety and Correctional Services should intensify its community approach to rehabilitation with respect to the locating of the offender within his community and in the utilization of community programs and resources, and should undertake a phased development plan of programs and facilities culminating with all adjudicated offenders not requiring maximum security being maintained and rehabilitated in their respective communities.
- (2) There should be a distinct separation of financial responsibility with the State being financially responsible for adjudicated offenders and the counties being financially responsible for persons awaiting trial.
- (3) The State Division of Correction should provide guidelines for services, operations, and facilities for pretrial detention of prisoners and require that counties desiring to provide such programs and facilities submit five year plans and periodic uniform reports on county detention activities and programs. Where counties fail to measure up to guidelines, facilities should be condemned and counties required to provide for maintenance of detained prisoners in other approved county or State facilities.
- (4) Consistent with concern for public safety, the number of persons detained for trial in Maryland should be decreased by encouraging an increased flow through the judicial system; the institution of a time limit of 90 days before trial; encouragement State-wide for programs of release on recognizance and public defender; and utilization of summons for crimes considered as minor offenses. More use should be made of alternatives to incarceration of adjudicated offenders including probation, parole, and active implementation of programs for alcoholics, drug addicts, drug abusers, and mental cases.
- (5) Community Corrections should have classification and evaluative-diagnostic capabilities and should obtain or provide

appropriate counselling, therapy, and treatment programs as part of rehabilitative efforts. Programs of rehabilitation should be constructed to serve the needs of the adjudicated offender population including family counselling, social services, training, education and job placement. Where programs in special categories, such as treatment for alcoholics are already available within the community, they should be utilized to the fullest extent possible, as opposed to instituting programs within community corrections institutions.

(6) Community Corrections planning emphasis should be placed on the development of community-oriented rehabilitation programs with the construction or acquisition of facilities designed to fit program needs, and not the program fit the facility. Existing State facilities located in the community and existing county facilities, where they are acceptable for community corrections, should be utilized. To re-enforce individual identity and rehabilitative response to programs, the community corrections facility should have a capacity of about 100.

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